

DOCKET NO.: 215518US23

IN THE UNITED STATES PATENT & TRADEMARK OFFICE



IN RE APPLICATION OF:

:

Hui Liu

: GROUP ART UNIT: 1634

SERIAL NO.: 10/055,878

:

FILED: JANUARY 28, 2002

: EXAMINER: CHAKRABARTI, A. K.

FOR: A FOUR DIMENSIONAL BIOCHIP DESIGN FOR HIGH THROUGHPUT APPLICATIONS AND METHODS OF USING THE FOUR DIMENSIONAL BIOCHIP

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action mailed February 4, 2003, the Applicant elects, with traverse, Group I, Claims 1-53, 88 and 89 for further prosecution.

REMARKS

The Office has restricted this application as follows under 35 U.S.C. §121:

Group I: Claims 1-53, 88 and 89, drawn to an apparatus.

Group II: Claims 54-80, drawn to a method of preparing the apparatus.

Group III: Claims 81-87, drawn to methods of using the apparatus.

Applicant has elected Group I, Claims 1-53, 88 and 89 with traverse.

Applicant respectfully traverses on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicant submits that a search of all claims would not constitute a serious burden on the Office.

Additionally, MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicant requests that upon finding that the elected group is allowable, the corresponding non-elected process claims be rejoined. For the reasons set forth above, Applicant contends that the Restriction Requirement is improper and should be withdrawn.

Respectfully submitted,
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